CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

COUR EUROPÉENNE DES DROITS DE L'HOMME
EUROPEAN COURT OF HUMAN RIGHTS

FIRST SECTION

DECISION

Application no. 56348/00
by Stoyan Lukov PAKOV
against Bulgaria

The European Court of Human Rights (First Section), sitting on 8 December 2005 as a Chamber composed of:

Mr C.L. ROZAKIS, *President*,
Mrs N. VAJIĆ,
Mrs S. BOTOUCHAROVA,
Mr A. KOVLER,
Mrs E. STEINER,
Mr D. SPIELMANN,
Mr S.E. JEBENS, *judges*,
and Mr S. NIELSEN, *Registrar*,

Having regard to the above application lodged on 28 October 1999,

Having regard to the decision to apply Article 29 § 3 of the Convention and examine the admissibility and merits of the case together.

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Stoyan Lukov Pakov, is a Bulgarian national who was born in 1962 and lives in Panagyurishte. He is represented before the Court by Mr E. Ganchev, a lawyer practising in Pazardzhik. The respondent Government are represented by their agent, Mrs M Kotzeva, of the Ministry of Justice.

The circumstances of the case

The facts of the case, as submitted by the parties, may be summarised as follows.

1. The applicant's pre-trial detention

On 10 August 1999 a preliminary investigation was opened against the applicant, he was charged with his father's murder and was detained on remand on the basis of, *inter alia*, the seriousness of the offence and his personality. The applicant was informed of the charges against him at 3.45 p.m. on the same day.

The preliminary investigation against the applicant was concluded on 22 December 1999.

As of his last communication to the Court of 8 March 2000 the applicant was still in detention and had not appealed against it.

2. The conditions of detention

Between 10 August 1999 and 22 December 1999 the applicant was detained at the Pazardzhik Regional Investigation Service. He was then transferred to the Pazardzhik Prison.

Upon the submissions of the applicant the cell in the Pazardzhik Regional Investigation Service was 12 sq. m. and situated below street level. He shared it part of the time with another detainee. There was no natural light and fresh air. A bucket was provided for the sanitary needs of the detained. There was insufficient hot water, soap and other toiletries. There was no possibility to exercise. The food provided was of insufficient quantity and substandard. The applicant had no access to newspapers, books, radio and television. He was not allowed to maintain an active correspondence. The medical services provided were also inadequate.

Upon the submissions of the applicant the conditions in the Pazardzhik Prison were similar to those in the Pazardzhik Regional Investigation Service. The food was insufficient and of the same inferior quality; the cells were overcrowded and cold; there was insufficient fresh air and light; and, a bucket was provided for the sanitary needs of the detained. Limited exercise was provided in the prison yard.

COMPLAINTS

1. The applicant complained under Article 5 § 3 of the Convention that following his arrest on 10 August 1999 he was not brought promptly before a judge or other officer authorised by law to exercise judicial power.

2. The applicant complained under Article 5 § 1 (c) that he was detained unlawfully. He submits that the evidence against him was not sufficient to lead to the conclusion that he was guilty of an offence and considers that several domestic provisions were breached.

3. The applicant complained under Article 5 § 2 of the Convention that when he was arrested on 10 August 1999 he was not informed promptly of the reasons for his arrest and of the charges later brought against him.

4. The applicant complained under Article 5 § 3 of the Convention that his detention was unjustified and excessively lengthy.

5. The applicant complained under Article 5 § 5 of the Convention that he does not have an enforceable right to seek compensation for being a victim of arrest or detention in contravention of the provisions of Article 5.

6. The applicant complained under Article 3 of the Convention that he was subjected to inhuman or degrading treatment while being detained at the Pazardzhik Regional Investigation Service and the Pazardzhik Prison.

THE LAW

On 20 October 2004 notice of the application was given to the respondent Government under Rule 54 § 2 (b) of the Rules of Court and they were invited to submit written observations on the admissibility and merits of the case.

The respondent Government requested two extensions of the deadline for submission of their observations on the admissibility and merits of the case. By letter of 24 March 2005 the Court declined the second request. The respondent Government did not to submit their observations within the prescribed deadline.

By letter 24 March 2005, sent by registered mail with acknowledgement of receipt, the Court informed the applicant's representative of the above fact, invited him to make any observations which he may wish to make on behalf of the applicant and to submit any claims for just satisfaction. The letter was received on 28 March 2005.

The applicant did not submit any observations or claims for just satisfaction within the prescribed deadline nor did he ask the Court for any extension of time.

By letter of 25 May 2005, sent by registered mail with acknowledgement of receipt, the applicant's representative was informed of the terms of Article 37 § 1 (a) of the Convention. He was warned that failure to reply might lead the Court to conclude that the applicant no longer intended to pursue his application. The letter was received on 5 June 2005.

No reply has been received by the Court from the applicant and his representative.

Having regard to the foregoing, the Court finds that the applicant does not intend to pursue his application within the meaning of Article 37 of the Convention, which, so far as material, provides as follows:

> "1. The Court may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to the conclusion that
>
> (a) the applicant does not intend to pursue his application; ...
>
> ...
>
> However, the Court shall continue the examination of the application if respect for human rights as defined in the Convention and the Protocols thereto so requires."

Furthermore, the Court considers that respect for human rights as defined in the Convention and the protocols thereto does not require the continued examination of the application (Article 37 § 1 *in fine*).

In these circumstances, the Court concludes that the application should be struck out of its list of cases in accordance with Article 37 of the Convention.

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases.

Santiago QUESADA
Deputy Registrar

Christos ROZAKIS
President